

Lindy F. Bradley, Esq., State Bar No. 207533  
lbradley@bgwlawyers.com  
BRADLEY, GMELICH & WELLERSTEIN LLP  
700 North Brand Boulevard, 10<sup>th</sup> Floor  
Glendale, California 91203-1202  
Telephone: (818) 243-5200  
Facsimile: (818) 243-5266

Attorneys for Defendant, SF MARKETS, LLC  
(erroneously sued as Sprouts Farmers Market,  
LLC)

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

LINDEN WOLBERT,  
Plaintiff,

vs.

SPROUTS FARMERS MARKET,  
LLC, RETAIL OPPORTUNITY  
INVESTMENTS CORP., INC., DOES  
1-30,

Defendants.

Case No.

Los Angeles Superior Court Case No.:  
20STCV26481

**NOTICE OF REMOVAL**

Discovery Cutoff: March 10, 2022  
Motion Cutoff: None Set  
Trial Date: None Set

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT Defendant, SF MARKETS, LLC hereby  
removes to this Court the state court action described below. Removal of this action  
is proper for the following reasons:

**I. TIMELINESS**

1. Plaintiff commenced his action on or about March 10, 2022, by filing  
a Complaint for damages. A true and correct copy of the Complaint is attached  
hereto as **Exhibit A**

2. Defendant, SF MARKETS, LLC is named as a defendant; it has been  
served with the Complaint.

3. This notice of removal is timely in that it is filed on or before twenty-one (21) days after service of the Complaint, and the Complaint contains notice that the case is removable within the meaning of 28 USC §§ 1441(b) and 1446.

## **II. BASIS FOR REMOVAL**

4. This is a civil action over which this Court has original jurisdiction under Title 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court by Defendant, SF Markets, LLC pursuant to the provisions of Title 28 U.S.C. § 1441(b) in that the action is between citizens of different States.

5. Plaintiff's Complaint alleges that the incident occurred in the State of California. Plaintiff also resides in California. Defendant, SF Markets, LLC is a limited liability company registered in Delaware, with a principal place of business in Arizona, where its high-level officers direct, control, and coordinate the company's activities. Defendant, SF Markets, LLC, is wholly owned by Sprouts Farmers Markets, Inc., registered in Delaware, with a principal place of business in Arizona, where the corporation's high-level officers direct, control, and coordinate the corporation's activities.

6. Plaintiff has alleged damages, including pain and suffering, wage loss, hospital and medical expenses, general damages, compensatory damages, property damage, loss of earning capacity, interest at the legal rate, and attorney's fees and costs. Pursuant to Plaintiff's Counsel, Plaintiff is alleging damages of no less than \$75,000.

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2 **III. VENUE**

3 7. The Los Angeles County Superior Court is located within the  
4 jurisdiction of the United State District Court, Central District of California. *See*  
5 Title 28 U.S.C. § 84(c)(2). This venue is proper, pursuant to Title 28 U.S.C. § 1391.  
6 This Notice of Removal is therefore properly filed in this Court, pursuant to Title 28  
7 U.S.C. § 1441.

8  
9 **IV. PLEADINGS AND PROCESS**

10 8. Other than Exhibits A, there are no other pleadings on file in the State  
11 Court action. This Notice of Removal is being filed without prejudice to  
12 Defendant's objections and defenses.

13 9. Counsel for Defendant certifies that it will file a true and correct copy  
14 of this Notice of Removal with the Clerk of the Superior Court of California,  
15 County of Los Angeles, as required by Title 28 U.S.C. § 1446, and give notice of  
16 same to Plaintiff.

17 WHEREFORE, Defendant, SF Markets, LLC hereby removes the action now  
18 pending against it in the Superior Court of the State of California for the County of  
19 Los Angeles, to this Honorable Court, and requests that this Court retain jurisdiction  
20 for all further proceedings.

21 Dated: June 14, 2022

BRADLEY, GMELICH & WELLERSTEIN LLP

22  
23 By: /s/ Lindy F. Bradley

Lindy F. Bradley

24 Attorneys for Defendant, SF MARKETS,  
25 LLC (erroneously sued as Sprouts Farmers  
26 Market, LLC)  
27  
28

Exhibit A

Electronically FILED by Superior Court of California, County of Los Angeles on 03/10/2022 06:45 AM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Clifton, Deputy Clerk.

22STCV08580

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Jill Feeney

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Spencer Guereña (SBN 253344)</b> <b>Law Office of Spencer Guereña</b> <b>3111 Camino Del Rio North Suite 400</b> <b>San Diego, CA 92018</b> TELEPHONE NO: <b>(619) 528-2214</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): <b>spencer@guerenalaw.com</b> ATTORNEY FOR (Name): <b>Linden Wolbert</b>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: <b>111 North Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	
PLAINTIFF: <b>Linden Wolbert</b>  DEFENDANT: <b>Sprouts Farmers Market, LLC, et. al.</b>	
<input checked="" type="checkbox"/> DOES 1 TO <b>30</b> <b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <b>Premises</b> <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER: <b>22STCV08580</b>

1. Plaintiff (name or names): **Linden Wolbert**  
 alleges causes of action against defendant (name or names):  
**Sprouts Farmers Market, LLC, Retail Opportunity Investments Corp., Inc., Does 1-30**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**
3. Each plaintiff named above is a competent adult
  - a. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):
  - b. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

 Form Approved for Optional Use  
 Judicial Council of California  
 PLD-PI-001 (Rev. January 1, 2007)

**COMPLAINT—Personal Injury, Property  
 Damage, Wrongful Death**

 Page 1 of 3  
 Code of Civil Procedure, § 425.12  
 www.courtinfo.ca.gov

PLD-PI-001

SHORT TITLE:

Wolbert v. Sprouts Farmers Market

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Sprouts Farmers Market c. ☒ except defendant (name): Does 1-10(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☒ except defendant (name): Retail Opportunity Inv d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 11-20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 21-30 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☒ at least one defendant now resides in its jurisdictional area.b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Wolbert v. Sprouts Farmers Market

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

Compensatory money damages according to proof.

14. Plaintiff prays for judgment for costs of suit, for such relief as is fair, just, and equitable, and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: March 9, 2022

Spencer Guerena

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 [Rev. January 1, 2007]

**COMPLAINT—Personal Injury, Property  
Damage, Wrongful Death**

Page 3 of 3

PLD-PI-001(2)

SHORT TITLE:

Wolbert v. Sprouts Farmers Market

CASE NUMBER:

First

(number)

**CAUSE OF ACTION—General Negligence**Page 4ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Linden Wolbert

alleges that defendant (name): Sprouts Farmers Market, Retail Opportunity Investments Corp.

☒ Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): May 4, 2020

at (place): 21821 Ventura Blvd., Woodland Hills, CA 91364

(description of reasons for liability):

Defendants and their agents and employees, and each of them, owed to Plaintiff a duty to maintain its premises in a reasonably safe condition. Defendants and their agents and employees, and each of them, breached this duty, and as a direct result, caused Plaintiff to sustain serious personal injuries. Specifically, Defendants and their agents and employees, and each of them, failed to maintain a shopping cart corral in their parking lot, such that a sharp and twisted piece of metal protruded from the surface of the parking lot in an unsafe manner. This legally and proximately caused Plaintiff's foot to receive a severe laceration. Plaintiff continues to receive medical care and treatment to date. Plaintiff has lost earnings as a result of the claimed injuries.



PLD-PI-001(4)

SHORT TITLE:

Wolbert v. Sprouts Farmers Market.

CASE NUMBER:

Second

(number).

**CAUSE OF ACTION—Premises Liability**

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Linden Wolbert

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): May 4, 2020

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff Linden Wolbert was lawfully on the premises of Defendants, and each of them. Plaintiff had finished shopping for food at the store of Defendant Sprouts Farmers Market. She parked her empty shopping cart in a shopping cart corral within the parking lot on the premises, which were owned, maintained, and controlled by Defendants, and each of them. Defendants failed to maintain their premises such that a sharp and twisted piece of metal protruded from the shopping cart corral, causing Plaintiff to receive a severe laceration.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
Sprouts Farmers Market, LLC, Retail Opportunity Investments Corp., Inc.

☒ Does 1 to 10

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_  
Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.  
b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☒ Does 11 to 20

- b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  
☐ described in attachment Prem.L-5.b ☐ as follows (names):

**PROOF OF SERVICE**  
**Wolbert v. Sprouts Farmers Market, LLC, et al.**  
**Case No. 22STCV08580**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203-1202.

On June 14, 2022, I served true copies of the following document(s) described as **NOTICE OF REMOVAL** on the interested parties in this action as follows:

Spencer Guerena, Esq,  
Law Office of Spencer Guerena  
3111 Camino Del Rio North, Suite 400  
San Diego, California 92018  
Tel.: (619) 528-2214  
E-mail: [spencer@guerenalaw.com](mailto:spencer@guerenalaw.com)  
*Attorneys for Plaintiff Linden Wolbert*

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address bgonzales@bgwlawyers.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 14, 2022, at Glendale, California.

\_\_\_\_\_  
/s/ Brandi Gonzales  
Brandi Gonzales